

Preliminary Amendment dated January 20, 2004

**Listing of Claims:**

Claims 1-13 (cancelled).

Claims 14-23 (withdrawn).

24. (New) A plant cell in which the steady-state level of maize stearoyl-ACP  $\Delta$ -9 desaturase is down-regulated, comprising a nucleic acid construct which comprises in the 5' to 3' direction of transcription a promoter functional in a plant cell, SEQ ID NO:31, and a termination region functional in a plant cell wherein said construct expresses SEQ ID NO:32 in said plant cell such that SEQ ID NO:32 binds to maize stearoyl-ACP  $\Delta$ -9 desaturase transit peptide resulting in the down-regulation of the steady-state level of maize stearoyl-ACP  $\Delta$ -9 desaturase in said plant cell.

25. (New) The nucleic acid construct of Claim 24.

26. (New) A plant or progeny thereof obtained from the plant cell of Claim 14.